

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Fallbrook - Special Permit #1808A

DATE: April 23, 2001

PROPOSAL: Olsson Associates for NEBCO Inc. has applied to amend Special Permit #1808 Fallbrook Community Unit Plan as follows for the area generally north of Highway 34, south of Alvo Road and west of North 1st Street:

1. To increase lot size and change two single family lots into two single family attached lots, which creates two additional dwelling units.
2. To waive the requirement of the Design Standards for sidewalks to allow for sidewalks on only one side of the street on Saltgrass Road, Bushclover Road, Snowberry Road, Windflower Road and Windflower Court.
3. To waive Section 26.23.095 that states that sidewalks shall be provided on both sides of streets. Section 26.27.020 states that as part of the minimum required improvements sidewalks shall be constructed on both sides of the streets within a subdivision.
4. To waive Section 27.15.080 for front, side and rear yard setbacks for main and accessory buildings in the R-3 district.

GENERAL INFORMATION:

APPLICANT: NEBCO Inc.
(Contact Russ McGowan)
1815 Y Street
Lincoln, NE 68508
(402) 434-1212

CONTACT: Gary Bredehoft, Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

LOCATION: North of Highway 34, south of Alvo Road and west of North 1st Street

LEGAL DESCRIPTION: General: Outlots A, B, G, H, I, J, M, O, Q, R, T and V; Lots 1-13, Block 10; Lots 1-9 Block 12; Lots 1 and 2, Block 13; Lots 1-8 and Lots 10-15, Block 11; all of Fallbrook Addition, and a portion of Lot 8 I.T., all located in the South ½ of Section 34, T11N, R6E, Lancaster County, Nebraska, generally located at N. 1st Street and Fallbrook Boulevard.

SIZE: 54.44 Acres, more or less.

EXISTING ZONING: R-3

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE AND ZONING: AG Agricultural zoning and agricultural land uses to the north and west; AG zoning and large lot residential uses to the east across North 1st Street; to the south across U.S. Highway #34 is the Highlands subdivision with a mix of apartments, single family and commercial uses in R-3, R-5, B-2 and O-2 zoning.

COMPREHENSIVE PLAN SPECIFICATIONS: In general conformance. Designated as urban residential, urban village and commercial in the Land Use Plan

HISTORY:

Zoned A-A Rural and Public Use District until it was changed during the 1979 update. In 1979 the area was zoned AG Agriculture as part of the 1979 update.

In 1999 an application was made to annex the area legally described above to create a New Urbanist community through a Change of Zone and Special Permit for Community Unit Plan process. A Use Permit was also required.

On **December 1, 1999**, Planning Commission recommended conditional approval for Fallbrook Special Permit #1808.

On **January 24, 2000**, City Council adopted the Fallbrook Special Permit #1808, Use Permit #124 and Preliminary Plat #99023 to allow 314 dwelling units on the property legally described as the above. Front, side and rear yard setbacks were waived by City Council.

On **January 24, 2000**, City Council adopted Change of Zone #3202 to change the zone from AG to R-3, O-3 and B-2.

On **June 5, 2000**, City Council amended Change of Zone #3202 to correct the legal description in the R-3 district.

On **November 29, 2000**, the Planning Director approved Administrative Amendment #00069 to the Special Permit #1808. The amendment relocated Outlot "D" from Block 17 to Block 16. One lot was removed from Block 17.

Administrative Amendment #01005 to the Special Permit for the Landscape Plan is currently under review. This application amends landscaping material-type only, not the placement or number of materials.

SPECIFIC INFORMATION:

UTILITIES: Available.

TOPOGRAPHY: There are no new topography issues with this application.

TRAFFIC ANALYSIS: Sidewalks on only one side of the streets and private roadways will inhibit free-flowing pedestrian movement from the north. Due to the location of Block 1 relative to the commercial and office areas of the town center, a higher volume of pedestrian traffic is expected. Reducing the number of sidewalks discourages pedestrian access to the commercial areas.

There are no new vehicular traffic issues with this proposed amendment. Public streets and private roadways are unchanged with this amendment.

PUBLIC SERVICE: The nearest Fire Department is located in the Highlands on N.W. 1st Street.

ENVIRONMENTAL CONCERNS: There are no new environmental concerns with this amendment.

ALTERNATIVE USES: To develop the plan with sidewalks on both sides of the streets.

ANALYSIS:

Fallbrook is intended to be a mixed-used "new urbanist" type community. A fundamental premise of this type of community is extensive pedestrian orientation. The relationship between the mixed uses in combination with trails encourages pedestrian movement. To approve a waiver of sidewalks on one side of the streets would be contrary to the fundamental premise of the proposed development and, to some extent, discourage pedestrian movement. The site plan should provide for the space needed for sidewalks on both sides of the streets. Every person who lives in and moves through this development should have full opportunity to

use sidewalks for pedestrian movement, and in order to fully achieve this goal sidewalks on both sides of the streets are necessary.

An increase in the size of some of the lots in Block 1 does not substantially affect the overall design goals of the proposed development. Converting two single family lots to duplex dots in Block 1 does not substantially affect the proposed development.

The requested waivers to front, side and rear yard setbacks helps to achieve some of the new urbanist goals, such as bringing the buildings closer to the street.

STAFF CONCLUSION:

Fallbrook was approved with significant pedestrian orientation. The proposed plan promotes the development of a more complete neighborhood with stores offices, open space and schools all within walking distance. The approved plans provide an excellent street and pedestrian network that allows for better access and encourages walking throughout the area. Unfortunately the request to waive the requirement that sidewalks be provided on both sides of the streets will hinder the design goals of the approved development.

Adding two dwelling units is allowable based on previously calculated densities. The addition of these units does not substantially impact the project.

STAFF RECOMMENDATION: Waive setbacks and Change lots: Conditional approval
Waive Sidewalks on one side of the streets: Denial

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 All references to the Use Permit and Preliminary Plat from the Note Plan (Sheet 2 of 18) are removed.

1.1.2 Waivers listed as a separate title block on the Note Plan (Sheet 2 of 18).

- 1.1.3 Note #3 B of the General Notes to the Special Permit on the Note Plan (Sheet 2 of 18) indicates a minimum distance between the lots and the public R.O.W. of 13'.
- 1.1.4 All changes clearly indicated.
- 1.1.5 The total # of units indicated in the Community Unit Plan.
- 1.1.6 Legal Description corrected to show Humphrey Avenue, include Outlots G and I, spelling error corrected from "o9f" to "of", Chord Bearing for "S" shown in text and Chord Length of "X" corrected in "Boundary Curve Data" to show correct Chord Length.
- 1.1.7 All dimensions indicated on the Site Plan. Three south dimensions of the Community Unit Plan boundary are missing.
- 1.1.8 The boundary of the Community Unit Plan clearly indicated.
- 1.1.9 Sidewalks shown on both sides of all public streets and private roadways.
- 1.1.10 All landscaping materials shown on the Landscape Plan which are within the boundaries of the Community Unit Plan.
- 1.1.11 Planning Commission "Approval" certificate removed from the Cover Sheet.
- 1.1.12 City Council approval changed to indicate "Community Unit Plan" rather than "Preliminary Plat" on the Cover Sheet.
- 1.1.13 The blocks and lots renumbered in "Block 1".
- 1.1.14 Setbacks corrected on the "Single Family Attached" detail and in the text of the Notes.
- 1.2 Revise the Landscape Plan to show:
 - 1.2.1 Scotch and Ponderosa Pine replaced with Black Hills Spruce, Norway Spruce, Colorado Spruce and Serbian Spruce.
 - 1.2.2 No more than 10% of any one specie of evergreen.

- 1.2.3 Snowdrift Crab replaced with either “Donald Wyman” or “Professor Sprenger” Crab.
 - 1.2.4 Street trees on private streets located no closer than 5 feet from back of curb or 5 feet from edge of sidewalk.
 - 1.2.5 Minimum distance between street trees and the foundation of townhouses is 20 feet.
- 2. This approval permits 316 dwelling units and variances to front and side yard setbacks as indicated by building envelopes.

General:

- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised final plan including 5 copies to the Planning Department.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

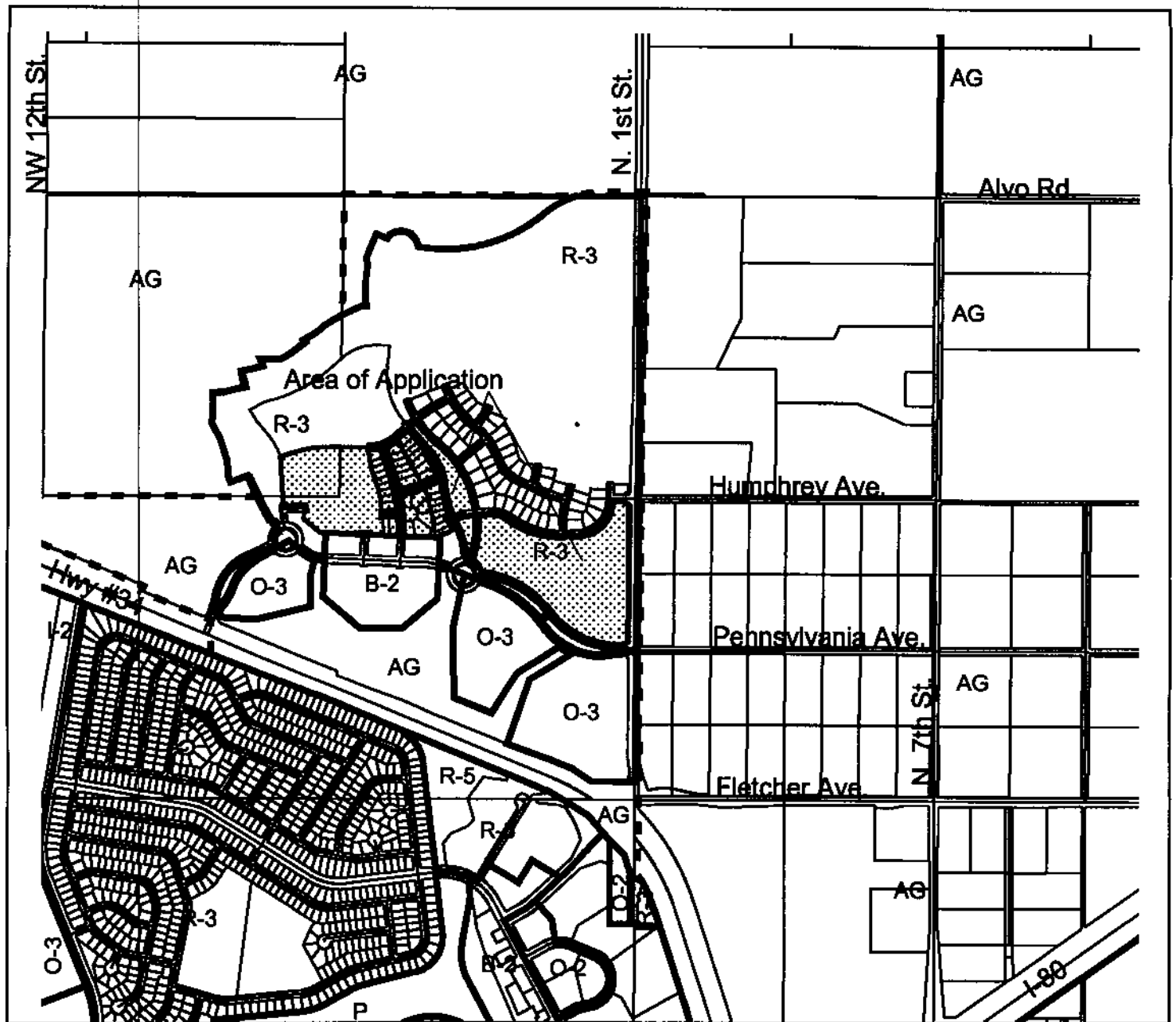
- 4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

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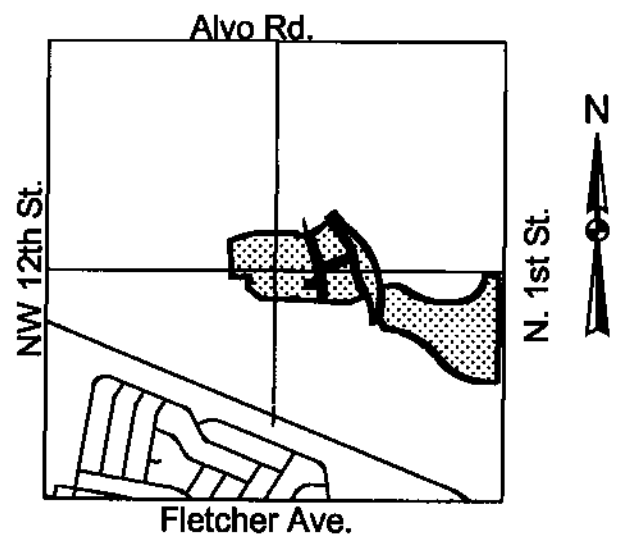
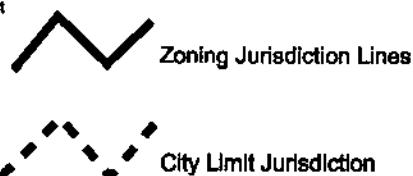


Special Permit #1808A
Fallbrook Community Unit Plan
Hwy 34 & N. 1st

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Intestate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 34 T11N R6E



Sheet 1 of 4
 Date: 4-20-01
 Lincoln City - Lancaster County Planning Dept.



Special Permit #1808A
Fallbrook
Nwy 34 & N. 1st



Sheet 2 of 4

Date: 4.20.01

Photograph Date: 1997 & 1999

Lincoln City - Lancaster County Planning Dept.

